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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,170	06/23/2004	Waldemar Iwanek	E-HE-0028	9206
7590 04/07/2005				
Christopher C Dremann Corning Cable Systems P O Box 489 Hickory, NC 28603				
			EXAMINER DUPUIS, DEREK L	
			ART UNIT 2883	PAPER NUMBER

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/500,170	Applicant(s) IWANEK, WALDEMAR	
	Examiner Derek L. Dupuis	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/04 &amp; 2/22/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 6/23/2004 and 2/22/2005 were considered by the examiner.

### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the reference numbers are hand-written in such a way as to make the reference numbers difficult to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the phrase "runs approximately at right angles" should apparently be "is approximately at a right angle". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by *Violo et al (US 4,948,220)*.

7. Violo et al teach a splicing cassette management system as shown in figures 1-8. The system includes at least two splicing cassettes arranged in a holder (22A, 22B, and 22C) mounted on a withdrawable mounting device (66 & 68) (see column 4, lines 17-28 and column 5, lines 23-28). The cassettes, the holder, and the withdrawable mounting device can be moved together on a first plane as can be shown in figures 2-5 in direction T. The holder can also be pivoted from the first plane to a second plane as shown in figure 8. As shown in the figures, the first plane (as shown in figure 1) and the second plane (as shown in figure 8) are at a 90 degree angle to one another. The holder has a pivoting device (A) on one of its sides as shown in figure 8. The cassette holder (22B) is mounted to the withdrawable mounting device (66 & 68) by the pivot point (A). The pivot point (A) allows the holder (22B) to move between first plane (shown in figure 1) to a second plane (shown in figure 8). The withdrawable mounting device (66 & 68) is mounted in a housing (6) via guide rails (660) as shown in figure 1 that are on opposite sides of the housing. The cassette holder and the mounting device are withdrawn together from the housing via the guide rails (660) that are on two opposite sides (63 and 62) of the housing (6). The mounting device (66 & 68) is in the form of a drawer as is shown in figure 8. The mounting device has a rectangular form that slides back and forth as is shown in the figure.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Violo et al (US 4,948,220)* as applied to claims 1-5 above, and further in view of *Kutsch et al (US 5,335,349)*.

10. *Violo et al* teach a splicing cassette management system as discussed above in reference to claim 5. *Violo et al* do not explicitly teach that the pivoting device is in the form of a latching joint. *Kutsch et al* teach a cable distribution system with parts that pivot. *Kutsch et al* teach the use of pivoting latching joints (see column 5, lines 40-55). It would have been obvious to one of ordinary skill in the art at the time of invention to use a pivoting latching joint as taught by *Kutsch et al* in the splicing cassette management system as taught by *Violo et al*. Motivation for this would be to “enable [a unit] to be set at [a] selected angle and [to be] maintained at such [an] angle” until a sufficient pivotal force is applied to change the angle at a desired time (see column 5, lines 51-55 of *Kutsch*). Furthermore, while *Violo et al* does not explicitly state that the pivotal joint is a latching pivotal joint, these joints are well known in the art. Common examples include latching pivotal joints on cabinet doors and car doors.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101.

The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Derek L. Dupuis  
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